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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,106	11/25/2003	Masahide Kaneko	67162-030	4477

7590 06/18/2008  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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WALSH, JOHN B

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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06/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,106	<b>Applicant(s)</b> KANEKO ET AL.	
	<b>Examiner</b> John B. Walsh	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE of 5/20/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/22/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,931,659 to Kinemura in view of U.S. Patent Application Publication 2003/0120841 to Chang et al.

Kinemura '659 discloses: As concerns claim 1, a communication assisting apparatus for mediating data transfer between a first data processing apparatus (figure 3, CATV station) and a second data processing apparatus (figure 3, L1), comprising: a first connection unit (cable modem unit A) connected by wire (column 1, line 60) with said first data processing apparatus, said first connection unit receiving data (column 3, lines 35-36) from said first data processing apparatus; and a second connection unit (cable modem unit B) connected by wireless (figure 3; column 3, line 60) with said second data processing apparatus, said second connection unit transmitting the data (column 3, lines 50-60) read out from said memory to said second data processing apparatus without permission for data reading from the first data processing apparatus (col. 5, lines 50-59; col. 6, lines 3-14; col. 3, lines 51-53; figure 1-data read out of memory to 2nd MAC for transmission via B does not need "permission"), wherein said second connection unit starts sending data stored in said memory after said first connection unit

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completes receiving the data and storing the data into said memory (col. 3, lines 52-53; data needs to be received, then it can be stored and then sent by the second unit).

As concerns claim 8, a processing unit (CPU 4); a first communication interface (column 3, lines 35-36) for the wired communication (column 1, line 60); a second communication interface (cable modem unit B) for the wireless communication (figure 3; column 3, line 60); wherein the processing unit receives data from the first data processing apparatus by the wired communication, stores the data received from the first communication interface to the nonvolatile storage (col. 3, lines 52-53; data needs to be received, then it can be stored and then sent by the second unit), and wherein after storing the data, the processing unit is capable of sending the data stored in the nonvolatile storage to the second processing apparatus and without permission from the first processing apparatus regarding sending data stored in the nonvolatile storage (col. 5, lines 50-59; col. 6, lines 3-14; col. 3, lines 51-53; figure 1-data read out of memory to 2nd MAC for transmission via B does not need "permission").

Kinemura '659 do not explicitly disclose the memory is nonvolatile memory.

Chang et al. teach a nonvolatile memory (abstract).

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of Kinemura '659 with a nonvolatile memory, as taught by Chang et al. '841, in order to provide a means for increasing the amount of data capacity and providing survival of data in case of power loss.

As concerns claim 2, the communication assisting apparatus according to claim 1, further comprising: a processing section (CPU 4) for reading out the data stored in said memory according to a state of communication with said second data processing apparatus.

As concerns claim 3, the communication assisting apparatus according to claim 2, wherein said processing section suspends data transfer of the data stored in said memory until communication with said second data processing apparatus is established (figure 4; s11).

As concerns claim 4, the communication assisting apparatus according to claim 1, wherein said second connection unit receives further data different (“different” is a relative term; data is “received” data and is therefore different) from the data stored in said memory, by wireless from said second data processing apparatus (column 5, line 5-received data at B from 2<sup>nd</sup> dpa), wherein said memory (5) stores therein the further data received by said second connection unit, and wherein said first connection unit transmits (column 5, lines 31-32) the further data read out from said memory to said first data processing apparatus.

As concerns 6, the communication assisting apparatus according to claim 1, wherein said rewritable non-volatile memory stores environmental data (“environmental” is merely a label) for setting operating conditions which is used by said second data processing apparatus (column 2, lines 18-32), wherein said processing section further reads out (column 3, line 51) the environmental data upon reading out the data stored in said memory, and wherein said second connection unit transmits (column 3, lines 50-60) the environmental data read out by said processing section to said second data processing apparatus.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B. Walsh/  
Primary Examiner, Art Unit 2151